

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Contempt Case Nos.1164 and 1165 of 2015

COMMON ORDER:

Both these Contempt Cases have been filed alleging willful and deliberate violation of the orders passed by this Court in W.P.Nos.16878 and 16919 of 2014 dated 27.06.2014 respectively. Both the said Writ Petitions were disposed of following the order passed in W.P.No.15813 of 2014 dated 10.06.2014.

In W.P.No.15813 of 2014, the Commissioner, Ongole Municipal Corporation was directed not to take any coercive steps to demolish the existing structures, except after putting the petitioner on notice, and after giving him an opportunity of being heard. The petitioner was also directed not to make any further constructions except with the prior permission of the Ongole Municipal Corporation.

In the affidavit, filed in support of the Contempt Case, it is stated that officials of the respondent herein came to the premises, and instructed the petitioner to appear before the Commissioner; no written notice was given; the procedure prescribed under Section 174 of the A.P. Municipalities Act has not been followed; and the respondent herein was pressurizing the petitioner for demolition of the structures and had informed him that, otherwise, they would take coercive measures against the petitioner.

In the counter-affidavit filed by the Commissioner, Ongole Municipal Corporation, it is stated that the petitioner's contention that the staff of Ongole Municipal Corporation went to his premises was false; these allegations were made only to file a fraudulent Contempt Case; no pressure has been exerted on the petitioner to

hand over the site; they were also not threatened; the southern side building owners of Kurnool Road were informed that compensation for the site would be paid as per market value of the Sub-Registrar Office, Ongole; structural compensation would be paid as fixed by the Roads and Buildings Department; and, accordingly, notices have been issued to them.

No reply affidavit has been filed by the petitioner to the counter-affidavit filed by the Commissioner, Ongole Municipal Corporation, and the averments in the counter-affidavit stand un-rebutted. As the petitioner's allegation, of coercive measures having been taken, has been denied by the respondent herein, I see no reason to proceed against the respondent herein under the Contempt of Courts Act.

Both these Contempt Cases are, accordingly, closed. The miscellaneous petitions, if any pending, shall also stand closed. There shall be no order as to costs.

RAMESH RANGANATHAN, J.

Date:10.08.2018.
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